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Attorney for Defendant
Experian Information Solutions, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

WILLIAM JOSEPH WHELAN

Plaintiff,

vs.

**EXPERIAN INFORMATION
SOLUTIONS, INC.**

Defendant.

Case No. SACV 15-0345-CJC-JCG

RULE 26(F) REPORT

Plaintiff William Joseph Whelan ("Plaintiff") and Defendant Experian Information Solutions, Inc. ("Experian"), hereby submit the following Joint Status Report:

1 many instances, Experian's procedures to ensure the maximum possible accuracy
2 of the information it reports requires notice from a consumer to alert Experian of a
3 potential inaccuracy. Experian's reasonable procedures were followed at all times
4 with respect to Plaintiff's credit file. Experian therefore has no liability in this
5 case.

6 7 **LEGAL ISSUES**

8 Whether Experian either negligently or willfully violated the 15 U.S.C. §
9 1681e(b), which requires a consumer credit reporting agency to maintain reasonable
10 procedures to ensure the maximum possible accuracy of the information reported.

11 **DAMAGES**

12 **A. PLAINTIFF**

13 Plaintiff seeks actual damages in the form of lost credit opportunities, harm to
14 Plaintiff's credit rating and reputation, emotional distress, statutory damages under
15 the FCRA, punitive damages, and attorney's fees and costs under the fee-shifting
16 provisions of the FCRA.

17 These damages suffered by Plaintiff are well recognized as cognizable under
18 the FCRA, and related common law claims. There is no "computation" in these
19 circumstances for damages deriving from lost credit opportunities, harm to
20 Plaintiff's credit reputation and emotional distress other than their valuation by a
21 jury.

22 Statutory or punitive damages will be set by the jury. Attorney's fees and costs
23 will be determined after Plaintiff is successful in establishing liability in this matter.

24 25 26 **B. EXPERIAN**

27 Experian does not allege any damages at this time but reserves the right to

1 do so, and will provide a computation of each category of damages to the extent
2 Experian exercises that right as a supplement to these disclosures. Further,
3 Experian denies all liability to Plaintiff for any damages.

4 **INSURANCE**

5 Based on Experian's present insurance and applicable deductibles, no
6 insurance carrier would be liable to satisfy part or all of any likely judgment which
7 may be entered in this action, or to indemnify or reimburse for payments made to
8 satisfy any likely judgment.

9 **MOTIONS**

10 Experian anticipates that it may file discovery and dispositive motions, in
11 whole or in part, depending on the information obtained in discovery.

12 **MANUAL FOR COMPLEX LITIGATION**

13 The parties agree that the issues in this matter do not warrant classification of
14 this case as complex.

15 **DISCOVERY**

16 The parties conducted their Rule 26(f) Conference on May 5, 2015. The
17 parties will serve their initial disclosures by May 25, 2015.

18 The parties anticipate propounding written discovery and taking depositions
19 of, including but not limited to, Plaintiff and appropriate Experian representatives.

20 The parties further anticipate entering into a Stipulated Protective Order to
21 protect the confidentiality of Plaintiff's personal identifying information and
22 Experian's documents, which are confidential, proprietary, and subject to trade
23 secret. The parties do not propose any modification the discovery limitations
24 imposed by the Federal Rules of Civil Procedure or any local rule.

25 The parties propose a fact discovery cut off of November 25, 2015. The
26 parties believe that this time frame for fact discovery is appropriate given the nature
27 of the claims and issues in this case.

1 **DISCOVERY PLAN**

2 The parties propose the following pretrial schedule:

3 *Last date for completion of fact discovery:* November 23, 2015.

4 *Last date for disclosure of initial expert reports:* November 23, 2015.

5 *Last date for disclosure of rebuttal expert reports:* December 21, 2016.

6 *Last date for Completion of Expert discovery:* January 18, 2016.

7 *Last date to file Dispositive or Partially-Dispositive Motions:* February 15,
8 2016.

9 *Pre-Trial Conference:* April 4, 2016.

10 *Trial:* April 11, 2016.

11 **SETTLEMENT**

12 The parties will file their completed ADR-01 Settlement Procedure Selection
13 form and Order concurrently herewith.

14 **TRIAL ESTIMATE**

15 The parties estimate that the jury trial in this case would last between 3-4
16 days.

1 Respectfully Submitted,

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3 **TATAR LAW FIRM, APC**

JONES DAY

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5 /s/Stephanie R. Tatar

/s/Nilab Rahyar

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